

November 6, 2017

HERLINA KURNIAWAN SUKARDI
3350 SWEETWATER ROAD APT 926
LAWRENCEVILLE, GA 30044

RE: SARI KURNIAWAN MUSTIKA
I-130, Petition for Alien Relative

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
California Service Center
Laguna Niguel, CA 92607-0590



U.S. Citizenship
and Immigration
Services



WAC1790004949



A078-378-772

NOTICE OF INTENT TO DENY

This notice is in reference to the petition filed for SARI KURNIAWAN MUSTIKA for classification under section 203(a) of the Immigration and Nationality Act. U.S. Citizenship and Immigration Services (USCIS) intends to deny the petition.

When a decision will be adverse to the petitioner and is based on derogatory information considered by USCIS, and of which the petitioner is unaware, USCIS must notify the petitioner and offer an opportunity for the petitioner to rebut the information and present information in his/her own behalf.

8 C.F.R. 103.2(b)(16)(i) states, in part:

If the decision will be adverse to the applicant or petitioner and is based on derogatory information considered by the [USCIS] and of which the applicant or petitioner is unaware, he/she shall be advised of this fact and offered an opportunity to rebut the information and present information in his/her own behalf before the decision is rendered...

Upon review of the petitioner's alien file, (A078378772), USCIS discovered that the petitioner had previously failed to claim the beneficiary as his/her child.

On the Form I-130, "Petition for Alien Relative," filed by Agus Sukardi on the behalf of the instant petitioner on May 24, 2007, listed the following children: Candy Cruz, Veronica Cruz, and Richie Sukardi.

On the Form I-485, "Application to Register Permanent Residence or Adjust Status," filed on May 24, 2007, listed the following children: Candy Cruz, Veronica Cruz, and Richie Sukardi.

On the Form I-601, "Application for Waiver of Grounds of Inadmissibility," approved on December 26, 2007, listed the following children: Candy Cruz, Veronica Cruz, and Richie Sukardi.

On the Form I-751, "Petition to Remove Conditions on Residence," filed on October 20, 2009, listed the following children: Candy Cruz, Veronica Cruz, Richie Sukardi, and Trump Sukardi.

In accordance with section 204(b) of the INA, a visa petition shall only be approved if it is determined that the facts stated in the petition are true. However, in light of the aforementioned discrepancies, it cannot be determined that the facts stated in the instant petition are true.

In *Matter of Ma*, 20 I&N Dec. 394 (BIA 1991), where a petitioner files a visa petition on behalf of a claimed relative whom he or she has previously failed to identify as such on documents that require the identification of such relatives, the visa petition will be approved only if it is supported by clear and convincing evidence of the bona fide nature of the relationship.

In *Matter of Ho*, 19 I&N Dec. 582 (BIA 1988), the Board held that doubt cast on any aspect of the petitioner's proof may lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition.

In light of the discrepancy, you have failed to establish that the claimed biological relationship exists with the beneficiary. Further, in the adjudication of a routine relative petition, the preponderance of evidence must show that it is more probable that the relationship exists than it does not exist. However, in light of the aforementioned discrepancy, and per *Matter of Ma*, supra, the standard of proof is hereby raised to the "clear and convincing" standard. You have failed to establish the claimed relationship by clear and convincing evidence. Therefore, USCIS intends to deny the petition.

Please note that all foreign language documents must be submitted with full English translations. The translator must certify that the translation is complete and accurate, and that he or she is competent to translate from the foreign language to English. Do not submit the English translations without the foreign language documents.

INSTRUCTIONS FOR DNA PARENTAGE TESTING

You may choose to have DNA (deoxyribonucleic acid) parentage testing done to help establish the relationship between yourself and for whom you are filing. In order to provide the most conclusive results, the recommended DNA test is the Polymerase Chain Reaction (PCR) test. (A simple blood group/type, RH factor comparison is generally not conclusive enough to support the claimed relationship.)

Please note that: 1) DNA testing is **absolutely VOLUNTARY**; 2) the costs of DNA testing and related expenses (such as doctor's fees and the cost of transmitting testing materials and blood samples) are exclusively your responsibility; and 3) submitting to DNA testing does NOT guarantee approval of the application.

Please also note that the other evidence requested above must be submitted regardless of whether you choose to complete DNA testing. The petition must be supported by acceptable evidence of the date of birth and nationality of your dependent. Petitions lacking such evidence may be denied in spite of DNA evidence of parentage.

The names of the people who should be tested are as follows:

Claimed Biological Parent: HERLINA KURNIAWAN SUKARDI

Claimed Dependent Child: SARI KURNIAWAN MUSTIKA

Test results will only be accepted from parentage-testing laboratories accredited by the American

Association of Blood Banks (AABB). A current list of the AABB accredited parentage testing laboratories can be viewed at:

<http://www.aabb.org>

You must access the AABB website set forth above to obtain current laboratory information. USCIS offices are no longer providing a paper list of the AABB facilities due to the transient nature of this information. The state designations on this list are for laboratory headquarters and many of these laboratories have collection sites in many different states and locations. Be sure to confirm that the laboratory you have chosen is able to test children where the beneficiary currently resides.

- You must select a laboratory, contact the laboratory directly, and make the necessary arrangements for conducting the tests. The same testing laboratory must test both the claimed child and parent(s).
- All parties must present proof of identity at the time the samples are taken.
- The results of the tests must be submitted directly to this office by the parentage-testing laboratory.
- A copy of this request for evidence should be given to the testing laboratory to be placed on top of the results. Inclusion of this request for evidence will help ensure that the results are connected with the correct file in a timely manner.
- ALL OTHER REQUESTED EVIDENCE MUST BE SUBMITTED whether you choose to have DNA testing done or not. You do not need to wait for DNA testing to be completed before submitting other evidence. Be sure to indicate in your response if you have chosen to have DNA testing done.

The petitioner is afforded thirty (30) days (33 days if this notice was received by mail) from the date of this notice to submit additional information, evidence or arguments to support the petition. Failure to respond to this request by **December 9, 2017** will result in the denial of the petition.

PLEASE RETURN THE REQUESTED INFORMATION AND ALL SUPPORTING DOCUMENTS

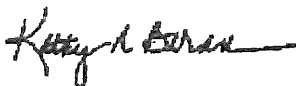
WITH THIS ORIGINAL REQUEST ON TOP TO:

U.S. CITIZENSHIP AND IMMIGRATION SERVICES

P.O. BOX 10590

LAGUNA NIGUEL, CA 92607-0590

Sincerely,



Kathy A. Baran
Director
Officer: XO077